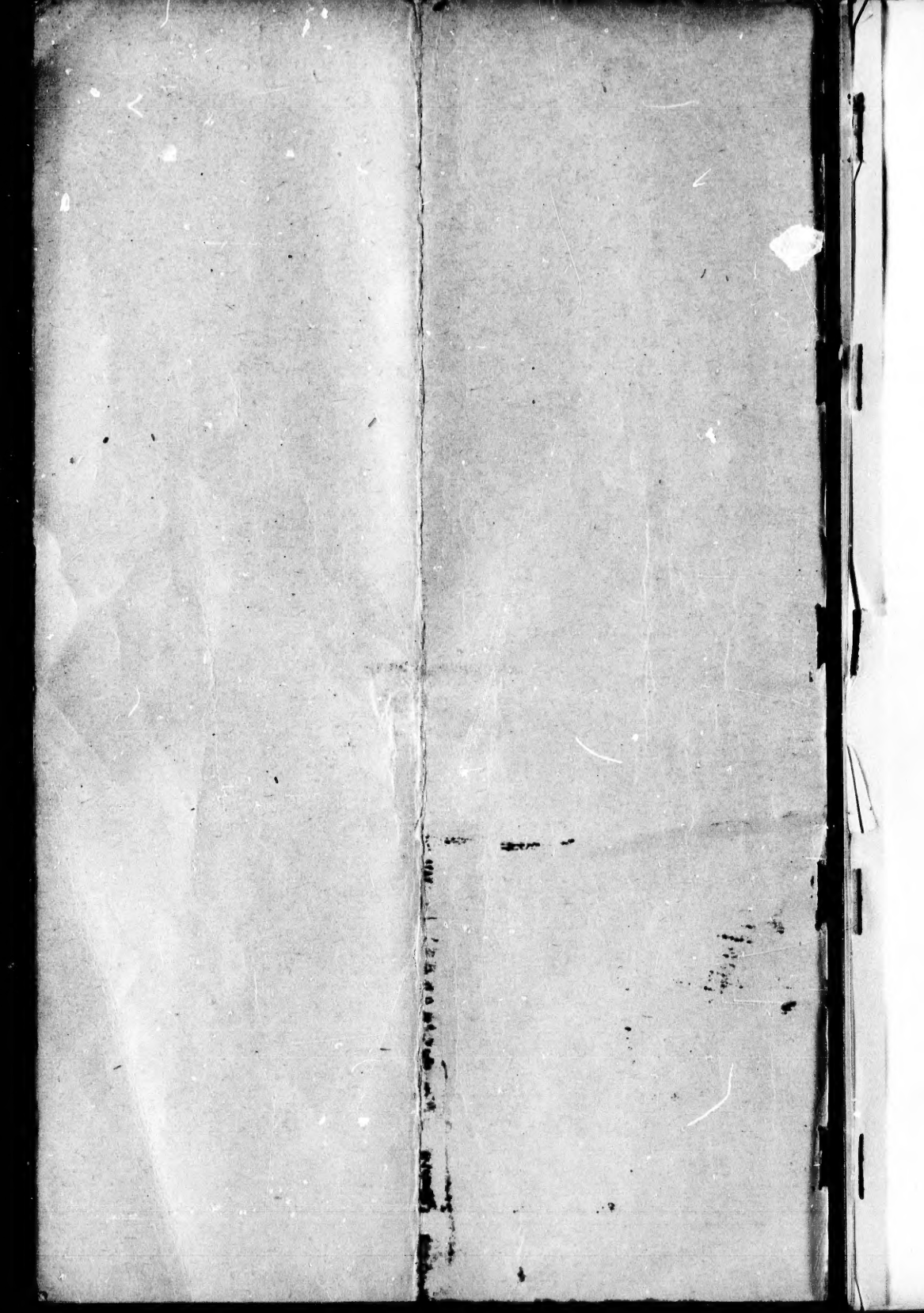




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To

Her Most Gracious Majesty Victoria,
Queen of Great Britain and Ireland,
Empress of India, &c., &c.

THE PETITION of Richard Hall and William John Goepel, of Victoria, in the Province of British Columbia, trading under the firm name of Hall, Goepel & Co., Ferdinand Henry Siewerd, of Victoria, B. C., master mariner, Caesar Doring, of the same place, able seaman, on their own behalf and on behalf of the officers and crew of the schooner "Araunah" generally,

HUMBLY SHEWETH:

1. Your petitioners, Hall, Goepel & Co., were owners of the British schooner "Araunah," which was registered at the Port of Victoria, in the Province of British Columbia, and Dominion of Canada; your petitioner, Ferdinand Henry Siewerd, was master of said schooner; your petitioner, Caesar Doring, was an able seaman on the said schooner.

2. In 1887, the "Araunah" was purchased at the port of Halifax, Nova Scotia, by your petitioners, Hall, Goepel & Co., for the sealing business in the waters of the North Pacific Ocean. Ferdinand Henry Siewerd was placed in command, and the "Araunah" sailed for the Port of Victoria, British Columbia, arriving at the latter port in the month of March, 1888.

3. The said schooner cost your petitioners Hall, Goepel & Co., the sum of six thousand six hundred dollars, at the port of Halifax, and there was added to this the sum of twelve hundred dollars, as the outlay for bringing the said schooner to the port of Victoria, representing in all seven thousand eight hundred (\$7,800) dollars, as the cost of the said schooner at the port of Victoria.

4. The said schooner was outfitted at the port of Victoria, in the month of April, 1888, for a sealing and hunting voyage in the waters of the North Pacific Ocean, at a cost to your petitioners of two thousand and thirty-two dollars and sixty-

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two cents, and placed again under the command of Ferdinand Henry Siewerd, aforesaid. The crew of the said vessel consisted of: N. P. Bonde, mate; W. Standish, steward; and G. Brun and C. Doring, and another whose name is now unknown to your petitioners, able seamen; also a spare man named Glazier. Twelve Indians were engaged with their canoes and canoe outfits on a contract for hunting. Standish, the steward, is now dead, and the present address of Brun and Glazier is not known to your petitioners.

5. Strict instructions were given to the master by your petitioners, Hall, Goepel & Co., to avoid territorial waters, and he was enjoined to confine his hunting entirely to the high seas.

6. The said schooner was seized by the Russian authorities on the 1st of July, 1888, when, as your petitioners believe, she was outside of the jurisdictional waters of Russia, being about six to eight miles off the extreme end of Copper or Medney Island.

7. The officers and crew of the schooner were made prisoners, and, after great delay and detention on board a Russian ship, taken to Vladivostock.

8. These facts were promptly communicated to the Canadian and British authorities, and are referred to in some detail in a Return presented to the House of Lords, by command of Your Majesty, in June, 1890, entitled, "Russia, No. 1 (1890), Correspondence respecting the Seizure of the British Schooner 'Araunah' off Copper Island, by the Russian Authorities," and to this Return your petitioners crave leave to refer.

9. Correspondence, as by the said Return appears, took place between the British and Russian authorities. In a dispatch from the Most Honourable The Marquis of Salisbury to Mr. Gosling, dated May 9th, 1890, the following passage occurs:—

"Her Majesty's Government are of the opinion that, even if the 'Araunah,' at the time of the seizure, was herself outside the three-mile territorial limit, the fact that she was by means of her boats carrying on fishing within the Russian waters without the prescribed license warranted her seizure and confiscation according to the provisions of the Municipal Law regulating the use of those waters. They do not, therefore, as at present advised, propose to address any further representation to the Russian Government in regard to this case."

10. Your petitioners have only lately become aware of the contents of this Return and of the reasons for the position of Your Majesty's Government.

1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the origin of life, and shows that the most probable one is the theory of spontaneous generation. This theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author also discusses the possibility of life arising from extraterrestrial sources, and shows that this is also a possibility. The paper concludes with a discussion of the future of the study of the origin of life.

2. The second part of the paper is devoted to a detailed discussion of the theory of spontaneous generation. It is shown that this theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author discusses the various theories of the origin of life, and shows that the most probable one is the theory of spontaneous generation. This theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author also discusses the possibility of life arising from extraterrestrial sources, and shows that this is also a possibility. The paper concludes with a discussion of the future of the study of the origin of life.

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4. The fourth part of the paper is devoted to a detailed discussion of the theory of spontaneous generation. It is shown that this theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author discusses the various theories of the origin of life, and shows that the most probable one is the theory of spontaneous generation. This theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author also discusses the possibility of life arising from extraterrestrial sources, and shows that this is also a possibility. The paper concludes with a discussion of the future of the study of the origin of life.

5. The fifth part of the paper is devoted to a detailed discussion of the theory of spontaneous generation. It is shown that this theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author discusses the various theories of the origin of life, and shows that the most probable one is the theory of spontaneous generation. This theory is based on the fact that life is a very simple phenomenon, and that it is possible for it to arise from non-living matter. The author also discusses the possibility of life arising from extraterrestrial sources, and shows that this is also a possibility. The paper concludes with a discussion of the future of the study of the origin of life.

11. Your petitioners, Hall, Goepel & Co., had hitherto simply been informed that Your Majesty's Government had declined to press the matter of this seizure upon the attention of the Russian Government.

12. Your petitioners now crave leave to represent to Your Majesty such facts as they would gladly have done had an opportunity been hitherto afforded them by Your Majesty's advisers.

13. On examination of the dispatch of Lord Salisbury, it will be found that Your Majesty's Government was led to express an opinion adverse to the case of the "Araunah" on the following grounds:—

- (a) The master of the "Araunah" was said to have signed an "Act of confiscation which involved an admission of the alleged offense."
- (b) The evidence of the position of the "Araunah" and her canoes at the time of the seizure was said to be conflicting.
- (c) The "Araunah" was, it is alleged, "by means of her boats, carrying on fishing within Russian waters."

14. Your petitioners humbly submit that these grounds or conclusions are not justified by the facts disclosed by the correspondence "Russia No. 1. 1890"; they are certainly not justified by any facts known to your petitioners.

15. So soon as your petitioners, Hall, Goepel & Co., became aware of the reasons for withdrawing this claim from the attention of the Russian Government, they obtained the solemn declaration of the said Master, which has been declared before a Notary Public, under the provisions of the Canada Evidence Act, 1893, dated the 12th day of December, 1898, and a further declaration of the same character declared by Caesar Doring, one of the crew of the said schooner, declared on the 13th day of December, 1898, also a solemn declaration made by William, one of the Indian hunters, dated the 12th of December, 1898, (these hunters being engaged under a contract for hunting with their own canoes and outfits) who was on the "Araunah" at the date of her seizure, to all of which your petitioners crave leave to refer. The declarations form Appendices to this Petition.

16. It is not disputed that the "Araunah," although seized by Russian authority in 1888, has never been tried in any court or before any tribunal.

17. Her condemnation proceeded upon the so-called "Act of Confiscation," which was signed by the Master, under the circumstances detailed in his declaration, aforesaid, (paragraphs 3 and 4) from which it appears that, while a prisoner, he was

induced to sign a document, the purport of which was explained to him to be that it acknowledged his ship was seized for hunting within "Russian limits," these limits being described to him at the time as covering the position of his vessel at a point six to eight miles from land and far more.

18. The action of the master of the "Araunah" at Vladivostock, August 6th, 1888, by his petition (p. 9, "Russia No. 1, 1890,") the first opportunity for such action on his part, supports his statement as to the circumstances under which the so-called "Act of Confiscation" was obtained.

19. No British authority, as your petitioners believe, certainly no one interested in the ship "Araunah" has ever seen this so-called "Act" or Deed of Confiscation since its execution.

20. Outside of this paper, obtained under the circumstances detailed in paragraphs 3 and 4 of the Master's solemn declaration, and drawn up in Russian, it is not pretended that any trial of the vessel took place.

21. This "Act of Confiscation" was signed under protest—notwithstanding the Russian statement to the contrary—and as soon as the Master possibly could, he protested in the most complete and unequivocal manner, and communicated his protest to British authority.

22. The regulations under which the "Araunah" was seized are set out on p. 23 and 24 of the correspondence, "Russia No. 1, 1890." They are of course wholly Municipal Regulations.

23. After referring to regulations concerning hunting in jurisdictional waters, M. Giers, in a dispatch printed in the Return above mentioned, says:—

"All the legal cases arising out of the application of the Regulations above mentioned are within the jurisdiction of the Governor-General of the Amour, who decides on them in the last instance.

Conformably to this article, the documents relating to the seizure of the 'Araunah' were sent to Aide-de-camp General Baron Korf, who, after having examined the *proces-verbaux* drawn up by M. Grebnitzky, as well as the demand of the Captain of the vessel in question, decided that the seizure had been made under the conditions provided for by the Regulations, and pronounced the confiscation of the 'Araunah.'" (Russia No. 1, 1890, page 23.)

24. All your petitioners know of the proceedings against the vessel is contained in the sentence quoted from M. Giers as above in paragraph 23 of this petition.

25. Such proceedings as are referred to by M. Giers were wholly "ex-parte," and your petitioners are not aware whether

any record of them can be found in any court or tribunal to this day.

26. A condemnation of this character, it is submitted, ought not to prejudice in the eyes of a British Government a case of a British vessel seized outside of her jurisdictional limits by a Foreign power.

27. Moreover, it is respectfully submitted that if this procedure be sanctioned, there is no redress when fraud is practised upon masters of British vessels when under illegal arrest.

28. The statements in the declarations of the Master of the "Araunah," Caesar Doring, and William, the Indian, hereto appended, make it clear that the "Araunah" was never within the jurisdictional waters of Russia, and that there was at no time any intention on the part of anyone connected with the said schooner to violate the laws of Russia or to go within the limits of her jurisdiction.

29. At the most, from all the facts, it might reasonably be argued that one or two of the canoes, owned or controlled by Indians and not belonging to the "Araunah," accidentally drifted within the jurisdictional waters of Russia.

30. Your petitioners humbly submit that there is no evidence of any character to support the statement upon which Your Majesty's Government have apparently acted, viz.: that the "Araunah" was, by her boats (or canoes) carrying on any operations in the waters of Russia.

31. Your petitioners understand that it is not unusual, in the practice of nations, for a Power whose ship is attempting to violate the revenue or other laws of a friendly nation to refrain from complaint where that Nation, in defending her coasts, happens to exercise authority and acts in so doing at a reasonable distance outside of its jurisdictional limits.

32. Upon such ideas the theory of hot pursuit, the exercise of authority in case of smuggling vessels, quarantine Acts and hovering Acts may be based.

33. In the case of the "Araunah," however, the facts establish that she was at no time within Russian jurisdiction, that neither her officers or master, or any member of her crew contemplated violating a law of Russia, and your petitioners aver that none of them ever did violate such law.

34. It is humbly submitted that even should the Indians have gone with their own canoes into the waters of Russia for the purpose of hunting, such conduct on their part gave Russia no right against the ship; but it is not established that the Indians violated any law of Russia, and so far as your petitioners can learn, they are satisfied that no intention to violate Russian law existed on their part.

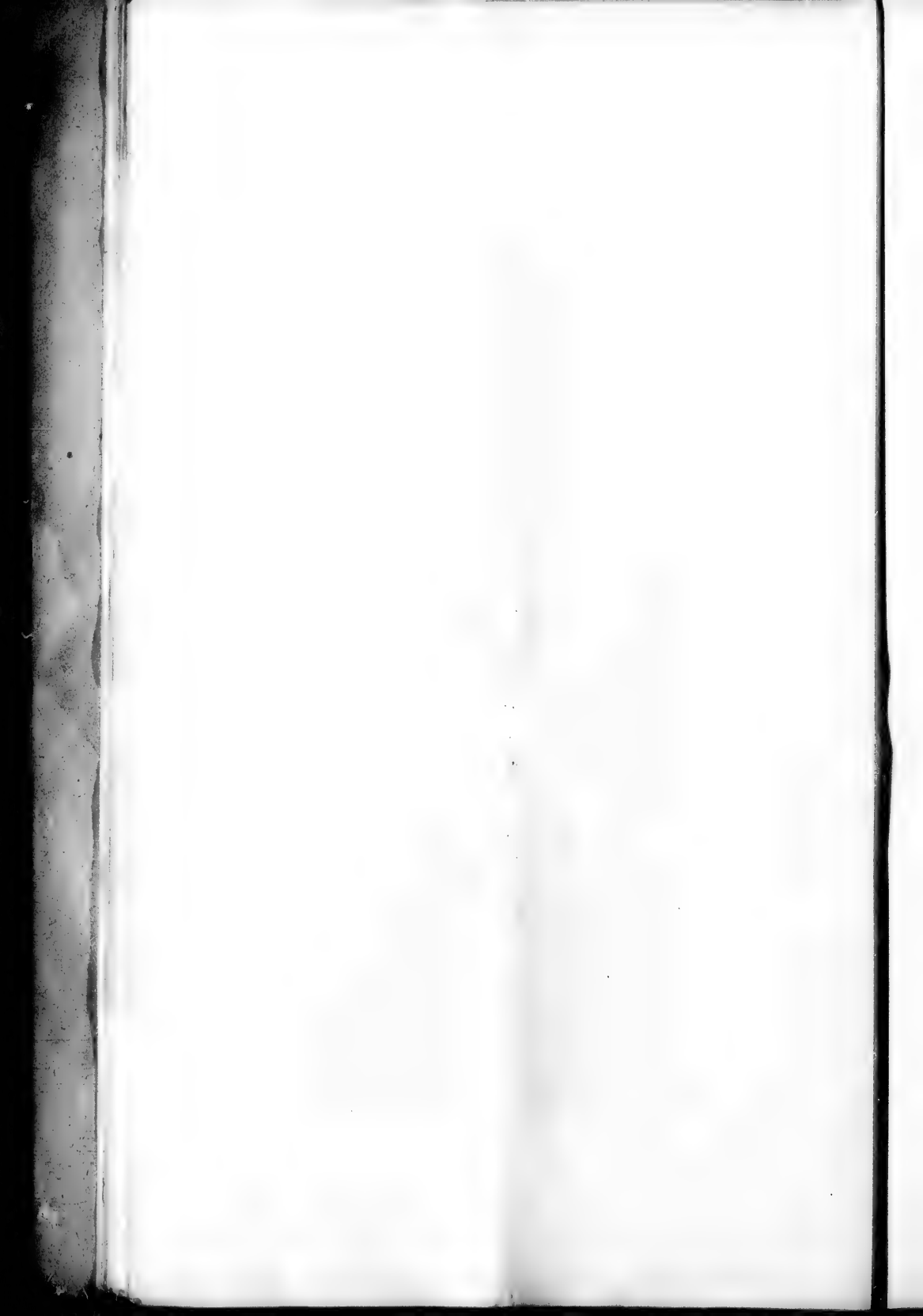
35. Your petitioners believe that they are able to satisfy any tribunal or commission appointed by Your Majesty that there never was any intention on the part of the owners or master of the "Araunah" to enter, directly or indirectly, by means of the "Araunah," or by means of her boats, or the canoes carried on board for the Indian hunters, the jurisdictional waters of Russia, and that neither the "Araunah" nor the "Araunah's" boats ever did enter such waters, and if this be so, it is submitted that even outside of the strict rules of International law, it is not fair to your petitioners to maintain in any sense, as Lord Salisbury has said, that the seizure of the "Araunah" was "warranted."

36. From the facts already set out, it is submitted that the seizure and confiscation cannot be justified under the principles of International Law.

37. The present Lord Chief Justice of England when Attorney-General, in conducting the case of Your Majesty before the Tribunal of Arbitration convened at Paris in 1893, dealt exhaustively with the subject, and in his oral argument before that tribunal, successfully established that outside of the ordinary three-mile limit, no State in time of peace had a *right*, even for the purposes of self-defence and self-preservation, to do what it conceived to be necessary to protect its property or its interests. He exposed the confusion of those acts which "a nation *will do* in defence of what it conceives to be in its interest with what it *may legally do* under the sanction of International Law." (Stenographic report of oral arguments of British counsel at Paris, page 1703.)

38. The Attorney-General for England on this occasion discussed Revenue Laws and Hovering Acts, and among other things said :—

"Upon what principle do these Acts rest? On the principle that no civilized state will encourage offenses against the laws of another state, the justice of which laws it recognizes. It willingly allows a foreign state to take reasonable measures of prevention within a moderate distance even outside territorial waters; but all these offenses and all offenses of the same class and character relating to revenue and to trade, are measures directed against a breach of the law contemplated to be consummated within the territory, to the prevention of an offense against the Municipal Law within the area to which the Municipal Law properly extends. But it does not follow that all Acts of this kind will in all cases meet with assent. It certainly would not and could not be expected to meet with assent, if the right were attempted to be exercised—I use the word 'right' in the laxer sense of the word: I would prefer to say 'if the Acts were attempted to be enforced,'—at a considerable distance from land, and I affirm that in no such case by International Law, could it be maintained as of right as against an objecting nation."



39. Again, dealing with the subject of hot pursuit, Sir Charles Russell said :—

"I have already referred, Mr. President, to this question of the hovering Acts, and I do not intend to repeat myself upon them except to make this comment: that, although many powers have adopted Acts which may be called hovering Acts, have recognized, have not complained of, have acquiesced in, acts done outside the territorial limits in defence of trade or revenue, acts done by other powers under those Acts even where they involve the seizure of their own ships and subjects—yet I think it would be too much to say, even at the present day, that the principle of the hovering Acts can properly yet be said to be part of International law; it really does rest now upon that principle of acquiescence which I have mentioned, and that acquiescence in its turn rests upon the principle that a nation will not interfere to throw the mantle of its protection over one of its nationals when that national has, for his own private ends, been running counter to a just and reasonable law of a friendly power.

"Take again the pursuit of vessels out of the territorial waters, but which have committed an offence against municipal law within territorial waters—which is a case which my learned friend and myself (and I have no doubt my learned friends on the other side) have had frequent occasion to consider. Here, again, there is a general consent on the part of nations to the action of a state pursuing a vessel under such circumstances out of its territorial waters and on to the high sea.

Senator Morgan—You mean a consent by acquiescence?

Sir Charles Russell—A consent by acquiescence.

The President—And not in every case?

Sir Charles Russell—No, certainly not in every case. I will state—although perhaps not exhaustively—some of the leading conditions. For instance, one condition is, it must be a *hot pursuit*—that is to say, a nation cannot lie by for days or weeks and then say: "You, weeks ago, committed an offence within the waters, we will follow you for miles, or hundreds of miles and pursue you. As to that, it must be a *HOT* pursuit it must be *IMMEDIATE* and it must be *WITHIN LIMITS OF MODERATION*. In other words, we are still considering the character of the act which is not defined by International Law, WHICH IS NOT A STRICT RIGHT BY INTERNATIONAL LAW, BUT WHICH IS SOMETHING WHICH NATIONS WILL STAND BY AND SEE DONE, AND NOT INTERPOSE IF THEY THINK THAT THE PARTICULAR PERSON HAS BEEN ENDEAVORING TO COMMIT A FRAUD AGAINST THE LAWS OF A FRIENDLY POWER."

40. After dealing with this question of absolute legal right, the Attorney-General for England summed up his review

of such cases as have been mentioned, by saying that in time of peace there *is no right* to seize the ships of another nation on the high seas except for piracy. (Page 1081.)

Your petitioners, (some of them owners of a British ship and some of them British sailors), have, it is submitted, violated no law, domestic or foreign, nor have they offended against the Law of Nations, but nevertheless they have been deprived, some of them of their liberty and others of their property by the acts of the Russian authorities, and all this without a hearing of any kind.

Your Majesty's Government has seen fit to withdraw their claim from the consideration of the Russian Government without affording your petitioners an opportunity to give such explanations as they have now ventured to address to Your Most Gracious Majesty.

Your petitioners therefore ask, that Your Majesty will be pleased to cause full enquiry to be made into the facts, so that in the event of your petitioners being able to substantiate the averments of this their humble petition, Your Majesty may be advised to recommend to Parliament that provision be made for their indemnity.

**AND YOUR PETITIONERS AS IN DUTY
BOUND WILL EVER PRAY.**

IN THE MATTER of the seizure of the schooner
"Araunah" in 1888 by Russia.

I, CAESAR DORING, of Victoria, British Columbia, residing at the Allion Hotel, Earl Street, mate, do solemnly declare as follows:

1. I was born in the year 1863 in Dantzic, Prussia.
2. In 1887 I shipped on the schooner "Araunah" at the port of Halifax, Nova Scotia, Siewerd, master, bound for the port of Victoria, British Columbia, where I arrived during the month of March, 1888. I shipped again on the articles of this schooner as able seaman on a sealing voyage in the North Pacific Ocean under the same master, my wages being \$30.00 a month, and having no interest in the catch.
3. There were on board two hunters, named respectively N. P. Bond, who was the mate of the said schooner, and G. Brun, called and known as "Brown." W. Standish was steward or cook. There was a spare man named Glazier. I do not know the present address of Brun (or Brown); Standish is dead. I do not know the whereabouts of Glazier. We had on this said sealing voyage six canoes and twelve Indians. In addition to this outfit we had two boats, one of which was for hunting purposes and used by the mate and two men, Brun (or Brown) and another known to me as "Charlie," who is now dead. Charlie was also an able seaman.
4. I remember the voyage of the schooner "Araunah" in the direction of Copper Island, and I distinctly recollect hearing the captain caution the mate and the hunters to keep away from the land when hunting, and I recollect the mate giving instructions to the Indians in reference to the same subject, though I could not understand the language in which these instructions were given.
5. I have no reason to believe that we were ever nearer the Russian Islands when hunting than we were at the time of the seizure of the schooner. The day before the seizure I understood in common with the rest of the crew that we were a very long distance—some 20 to 25 miles away, and after the fog cleared on the next day I was surprised to learn we were about 8 or 9 miles off from the nearest land.
6. On the morning of the seizure about 6:30 a.m., the six canoes with the Indians were put overboard in foggy weather for the purpose of hunting, the mate taking the boat about 20 minutes before this in order to get ahead of the Indians, in the operation of hunting, the canoes being able to travel more quickly than the boat.
7. On this occasion I heard the captain tell the mate that in his opinion we were about 16 miles away from the islands.
8. From first to last on said voyage I had no reason to believe that the captain or mate was willing that the hunters should go within the 3-mile limit.
9. In foggy weather it is quite unusual for Indians to go far from the sealing vessel; the danger of being lost being sufficient to prevent this;

and on clear days the greatest distance the Indians had ever gone from the ship I verily believe to be from 10 to 12 miles.

10. After the seizure of the "Araunah," I was given to understand by the captain of the S.S. "Alexander II" that I could be employed on that steamer as an able seaman as well as one or two more, but the captain of the "Araunah" informed the crew of the "Araunah" that he desired them to stay with him, as he expected the vessel would be tried, and he desired their evidence. Consequently we remained with the captain of the "Araunah" for this purpose, but finally returned with him to Victoria.

11. No trial took place, but we attended before Her Britannic Majesty's Consul at Nagasaki, to whom we deposed to the facts concerning the said seizure, on or before the 27th day of August, 1888.

12. About a week or more after, we arrived at Petropoulovski and had no judicial or other formal proceedings of which I heard.

13. The stores, including the salt, guns and ammunition on board the said schooner, were sold by the Russian authorities at a public auction.

14. On the morning of the seizure, when we arrived at Glinka, M. J. Mallinovsky purchased the canoes from the Indians, giving \$3.00 for the poor canoes and \$6.00 for the best, the canoes belonging to the Indians, and Mallinovsky apparently being well aware of that fact.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act, 1893."

Declared before me at Victoria, this 13th day of December, A.D. 1898.

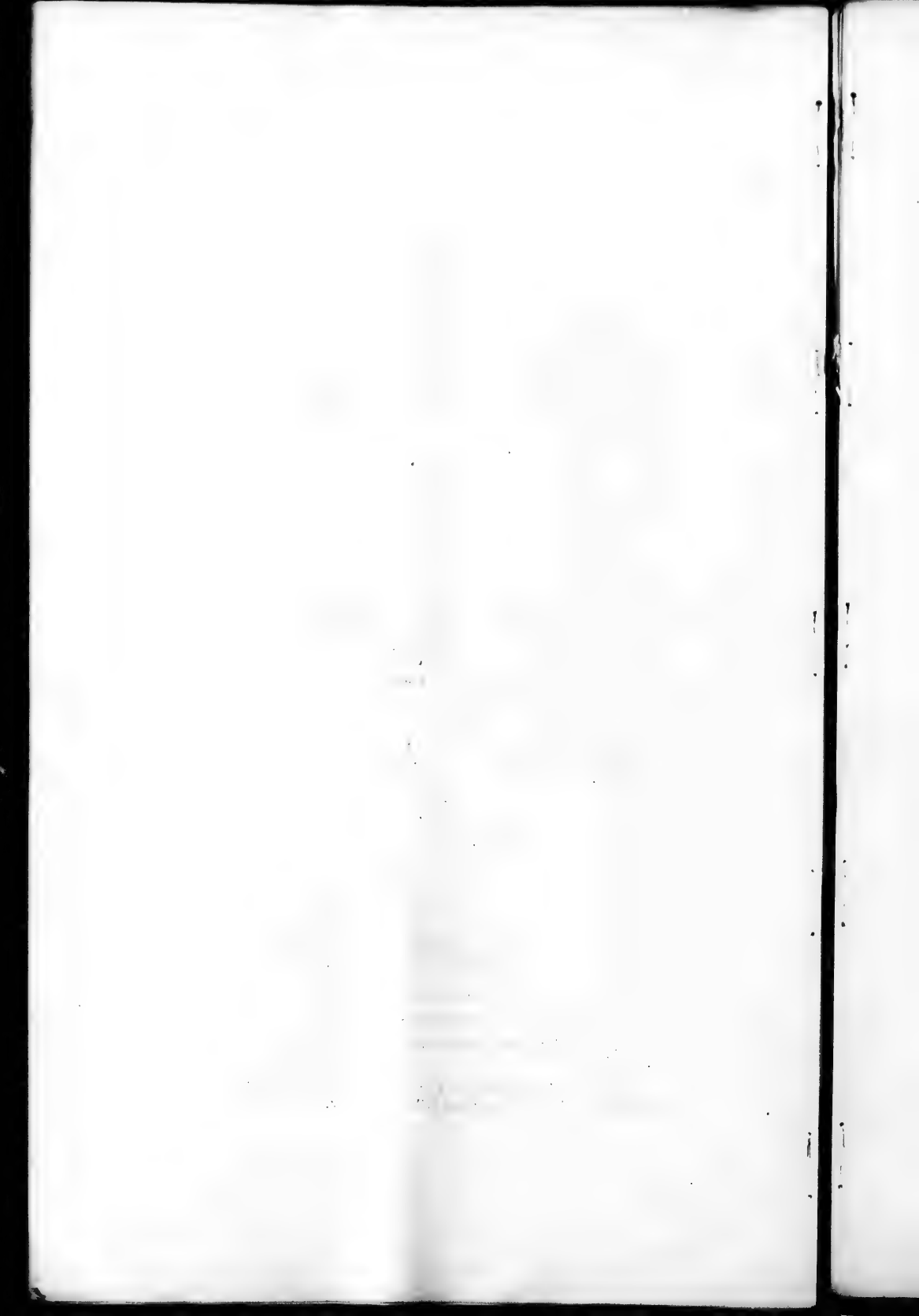
Notary Public.

IN THE MATTER of the seizure of the schooner
"Araunah" in 1888 by Russia:

I, WILLIAM, an Ou-Ou-Kinsh Indian, of Vancouver Island, Province of British Columbia, do solemnly declare:

1. I am about thirty years of age. I was born in Ou-Ou-Kinsh aforesaid.

2. I have been hunting seals ever since 1886 on the North-West Coast of America and Behring Sea, both east and west.



3. In 1888, the chief of my tribe, Navaayok, and myself, took our canoe, guns, ammunition and spears as aforesaid, and engaged to go on the schooner "Araunah" to hunt for seals on a voyage to the North-West Coast of Behring Sea. We were to be paid at the rate of three dollars (\$3.00) per skin for every seal put on board the schooner from our canoe.

4. Navaayok and I took the canoe owned by Navaayok and myself with guns, ammunition and spears as aforesaid, and sailed with the schooner "Araunah" on or about the month of May, 1888. We were told by the Captain of the "Araunah" when we went hunting from the schooner not to go near the land, and we understood that to mean, and we tried to keep seven miles away from the nearest land. (When we saw the rocks or land plainly, we judged ourselves to be four miles from the land, and then moved away accordingly.) We also were in the habit of going a short distance out of the sight of the schooner, and then turning back to get sight of her, in order to get our bearings. Navaayok, to whom I referred, is still alive and is on Vancouver Island.

5. The other Indians on the "Araunah" had the same arrangements with the schooner as Navaayok and I, bringing their own ammunition, guns, spears and canoes, and hunting on the same terms.

6. I fully remember the seizure of the "Araunah" by the Russians, my canoe being the one taken by the Russian vessel "Alexander II." I judged the schooner to be seven miles away from the land, and my canoe six miles from the land. When the fog cleared I saw the steamer and immediately turned to make for the schooner when the steamer took me. We had no skins on board when taken and had not taken a seal that day. I never took a skin inside of three miles of the Commodore Islands, or any other foreign land. I was never so near the Commodore Islands as I was on the morning when the Russian vessel took me as before mentioned. When out that morning, I observed the tide to be very strong running into Behring Sea. The captain told us the morning we were put over, not to go in the fog further than we could hear the fog-horn or whistle, and we were within hearing of the whistle all that day.

7. All the Indians on the "Araunah," to my knowledge, were afraid to approach the land, and I believe they all tried to keep seven miles away from it.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act, 1893."

Declared before me at Victoria,
in the Province of British Columbia,
this 12th day of December, A.D.
1898, the same being first read over
and explained to the above named
William in his own language, com-
monly called Chinook.

IN THE MATTER of the seizure of the schooner
"Araunah" in 1888 by Russia.

I, FERDINAND HENRY SIEWERD, of the City of Victoria and Province of British Columbia, master mariner, do solemnly declare :

1. The passages in a dispatch from the Right Honourable The Marquis of Salisbury to Mr. Gosling dated May 9th, 1890, (Russia No. 1, 1890, Imperial Papers), and set out hereinafter, have lately been called to my attention.

2. I am advised that for the reasons contained in these paragraphs Her Majesty's government withdrew the claim for compensation and indemnity in the case of the "Araunah" from the consideration of the Russian government.

3. With respect to the following extract from the above dispatch which reads as follows :

"With regard to the grounds on which confiscation was decreed, it is to be remembered that the master of the "Araunah" does not deny the statement of M. Grebnitzky that he signed the act of confiscation, which involved an admission of the alleged offence, and this without any intimation that he had intended to protest against the decision, although he was duly warned that he ought then to submit any protests which he intended to make." I refer to my statement contained in a sworn communication of August 27th, 1888 (Russia, No. 1, 1890, p. 4), where I informed Mr. Dehring that while I was a prisoner I was compelled to deliver the 'Araunah's' papers to Mr. Grebnitzky. Before doing so, I demanded a paper stating the reason of the confiscation. This I was asked to sign, after it had been translated to me by M. J. Mallinvensky who informed me that it read in substance as follows:—That the schooner 'Araunah' had been confiscated for hunting within the limits of the Russian possessions. In this communication to Mr. Dehring I informed him, as the truth was, that on this occasion I notified M. Grebnitzky in the presence of M. J. Mallinvensky of my protest against the seizure, and told him I would make that protest before the nearest representative of Her Majesty. This was on the day of the seizure, 1st July, 1888. When I reached Vladivostok, to wit, on the 9th day of August, 1888, having been detained at Petropoulovski en route, I wired to the British Embassy at St. Petersburg, as follows—"Sealing schooner 'Araunah,' of Victoria, was set during a heavy fog and calm by current within six miles of southern extreme of Copper Island when seized by Russian merchantman 'Alexander II.' Left here with crew, among them twelve Vancouver Indians, unprovided. Please advise." And on the 15th August I wired: "Will forward protest sworn to before Consul at Nagasaki; also all documents pertaining to seizure. Please advise if necessary to protest here. Also of other steps required here. Owners' names, Hall & Goepel, Victoria," to which I received the following answer: "Your case has been brought to the notice of Russian Government who have telegraphed to enquire into it. You might protest locally. Forward all documents here." In accordance with the advice as above I protested to the Admiral and Governor of Vladivostok. A certified copy of this protest I enclosed in my communication to

Mr. Dehring, of August 27th, 1888. In further explanation of my signing the so-called "act of confiscation," I say that it was explained to me at the time, aforesaid, by M. J. Mollinvenky, who was assisting Mr. Grebnitzky, that the Russian Customs limits ran from a line of demarcation from Behring Straits through Behring Sea to the vicinity of the island Attou, thence to Cape Lopatka, which, of course, included the position of my ship at the time of seizure, and that my signature would simply show that my ship was seized for hunting within those limits and no more.

4. I had no reason to believe, and I did not believe, when I signed the so-called "act of confiscation," that I was doing more than was explained to me as above. I was, as a matter of fact, at the time expecting that the schooner would be regularly tried in a court of law, and for that purpose I was endeavouring to keep the members of my crew together and I notified all concerned of my intended protest which was duly made.

5. With respect to the following extract from the above dispatch, viz.: "The evidence as to the actual position of the "Araunah" and her canoes at the time of the seizure is very conflicting. The master of the vessel says in his letter of the 29th October, 1888, that his ship was 8 miles off the southern extremity of Copper Island, but in his earlier telegram of the 9th August, 1888, he speaks of being within 6 miles of the southern extremity of the island." I say that as it was impossible to fix the exact position of the vessel by cross bearings, I never attempted to give the distance of the vessel except approximately. My telegram of the 9th August, 1888, to which Lord Salisbury refers, it is true refers to the schooner being set within six miles of the southern extreme of Copper Island, but in my letter of the 27th of that month, I explain more fully the facts, and I refer to the position of the schooner as being east by south "about 6 to 8 miles" distant from the southern extremity of the island, and I explain exactly how I reached this conclusion, appending a diagram which illustrates the position of the schooner at the time of the seizure. When the telegram aforesaid and the sworn statement contained in my letter to Mr. Dehring of the 27th August are examined the alleged discrepancy in my letter of October 29th to Lord Salisbury will, it is submitted, not appear to be material. The object of this letter was simply to ask a question respecting the boundary lines of the Russian possessions, and in the introductory paragraph thereof I wrote without deeming the statement as to distance of paramount importance as follows:—"When seized on the 1st July, 1888, the British sealing schooner "Araunah" of this port, 8 miles off south extreme of Copper Island," etc. If I had said "6 to 8" instead of "8," no discrepancy could even be suggested.

6. With respect to the following extract from the above dispatch, viz.: "The captain of the "Alexander II" says that the "Araunah" was within 3 miles of the island, while the second officer of the first mentioned vessel puts the distance at from 5 to 7 miles." I say that the only statement upon which the impression of Lord Salisbury that the evidence was "very conflicting," seems to have been founded (Russia, No. 1, 1890) upon a portion of a letter written by me on October 18th, to Mr. Dehring pages 11 and 12 of the correspondence. In that letter, while the following passage appears:—"Captain Gronberg states that the schooner bore at time of capture about east by south-half-south, distant 3 miles from south-east



point of island," it is followed by the rest of the conversation I was reporting which took place between Captain Gronberg and myself, and this is as follows:—"I asked, by what method did you determine this distance, by cross-bearings or four-point bearings?" Captain Gronberg replied:—"I just made a rough guess." Lord Salisbury's reference to the second officer of the "Alexander II" is also apparently based on my letter aforesaid, where in answer to my question the second officer said:—"In my opinion the said schooner was about 5 to 7 miles from the land."

7. So far therefore as the evidence may be said to be "very conflicting," I crave leave to refer to the correspondence referred to where it will appear that this observation is applicable only to the statements of the Russian authorities, and that the statement made by myself in my letter of the 27th August, 1888, as to the approximate distance being about 6 to 8 miles distant is not impugned by any fact appearing from other than Russian sources.

8. With respect to the following extract from the dispatch of Lord Salisbury above referred to, namely:—"The canoes were out to the south and west of the vessel, that is to say, between it and the island, one of them at least, at a distance of not more than 3 miles from it, and in M. De Giers' note of the 4th August, 1889, it is stated that Mr. Grebnitzky categorically affirms that two of the canoes were within half a mile of the shore. Her Majesty's Government are of the opinion that even if the "Araunah" at the time of the seizure was herself outside the 3-mile territorial limit, the fact that she was by means of her boats carrying on fishing within Russian waters without the prescribed license warranted her seizure and confiscation according to the provisions of the Municipal Law regulating the use of those waters. They do not therefore as at present advised, propose to address any further representation to the Russian Government in regard to this case." I say that while it is impossible for me to affirm that the canoes did not as a matter of fact drift or proceed within the 3-mile limit, I distinctly deny that the "Araunah" was "by means of her boats" or by means of the canoes owned by the Indians carrying on fishing or sealing or operating in any way whatever within Russian waters. As master of the "Araunah" and carrying out the express instructions of the owners, I took every care to caution the mate and through him, the Indians, to avoid going near the islands or within the 3-mile limit. Anyone familiar with sealing operations will understand that in foggy weather, hunters, Indians or whites, will not go any considerable distance from the sealing vessel to which they belong, or with which they are connected, certainly not beyond the range of the fog alarm, while on clear days the limit of distance to which Indians will go is about 12 miles. In my letter of the 27th August correspondence (Russia, No. 1, 1890, page 4), I have shown that when the canoes were put overboard for hunting, I calculated the position of my schooner to be 16 miles south by west of the southern extremity of Copper or Medney Island, and I have shown how I afterwards ascertained that the position was about 6 to 8 miles distant from the southern extremity of the islands, and this I believe I am able to satisfactorily establish.

9. I crave leave to refer to a dispatch from Sir Robert Morier of the 30th November, 1888, (pages 6, 7, 8, correspondence Russia, No. 1, 1890), where Sir Robert Morier says (page 8): "Supposing, which I strongly

suspect would be found to be what actually happened, that the schooner was outside the 3-mile limit, but one or more of the canoes inside it, would a Russian ship have had a legal right to capture the "Araunah" outside the limit, that is on the high seas, for an infraction of Russian fishing laws by her canoes within the limit." While this is the question put, Lord Salisbury, I submit, does not deal with the facts thus specifically put in the paragraph above, but expresses the opinion that if the "Araunah" was "by means of her boats carrying on fishing within Russian waters, then her seizure was warranted."

10. There is no evidence that I am aware of which can be said to establish anything more than that one of the canoes owned and operated by Indians who were conducting sealing operations under a contract with the "Araunah," for the consideration of so much per skin, was found inside the Russian limits. I have heard of none which suggest that they were found hunting within those limits.

So far from the "Araunah," by means of her boats, carrying on fishing within Russian waters, I say that every reasonable precaution had been taken by me to prevent either her boat or the canoes of the Indians from going within those waters at all.

11. In the dispatch of Sir R. Morier, to which I have referred (pages 7 and 8), the following paragraph appears:—

"Before concluding, I must allow myself an observation with reference to the description given by the master of the "Araunah" of the position of his ship at the time of her capture, and of the circumstances which caused her being there. He says, that at 6:30 a.m. he calculated that the schooner's position was 16 miles south by west of the southern extremity of Copper Island. At this time, there being a heavy fog and calm, he ordered the six canoes out for hunting. At 7:30 a.m., that is, an hour afterwards, the fog lifts, and the schooner is found at 6 miles distant from the south point of the island, with the canoes to the south and west of the schooner, at a distance, with one exception, of not more than 2 miles from her. The inference of the master is, that he was carried by an unknown current from the spot at which he was at 6:30 to that at which he was captured at 7:30. If the diagram annexed to the affidavit taken before Her Majesty's Consul at Nagasaki is correct, this distance would be 17 2-5 miles. It would, of course, not be fair to assume too great accuracy in a diagram of this kind. Nevertheless, the distance cannot be estimated at less than between 10 and 17 miles. I do not know whether such currents exist, but, if they do, it seems strange that the master and crew of the 'Araunah' should not have been fully aware of the fact from the beginning, and still stranger that the six seal canoes should have placidly carried on their hunting operations under its impulse, which they must have done, seeing that when the fog lifted they were within a two mile radius of the ship."

As to this, I have to say that I never was given an opportunity at any time to deal with this criticism, and my explanation of the difficulty suggested in the above paragraph is, that my calculation respecting the distance from the islands as 16 miles at 6:30 was obviously erroneous. I never pretended to have definitely ascertained my position at that time.



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My calculation was based on dead reckoning from the preceding noon, and I had no knowledge of the currents which I afterwards discovered to be very strong. This was my first voyage in these waters.

12. In this dispatch M. de Giers also says: "Besides an argument against him in the log-book, which seems till then to have been regularly kept, stops at the date of the 5th of June." Afterwards M. de Giers says: "As for his diary, which was among his papers and seems to have been occasionally used by him for rough copies of the entries in the log-book; that cannot be admitted as a document having any obligatory judicial weight."

As to my log-book. I believe it was nearly filled up, but my custom was to use it chiefly while making passages and not in hunting, for which later purpose the diary, or fishing log, was alone used.

The diary will show that I began hunting when the log entries ceased.

13. In the dispatch of M. de Giers, August 4, (16) 1889 (page 19, Russia, No. 1, 1890), after attacking my declaration, so-called, on grounds dealt with by me in paragraphs 3 and 8 herein, adds as ground 3 the following:—

"Because the Superintendent of the Commander Islands affirms categorically that two boats of the schooner were at a distance of half a mile from the shore and that the two seals not yet disembowelled were found on board the schooner," I say that only one boat was used for hunting, and this was in charge of my mate and was alongside of the schooner within ten minutes after the arrival of "Alexander II," that only one canoe was picked up by the "Alexander II," and no one suggested to me that any other canoe was discovered inside the 3-mile limit. That their canoe had no seal in it. The other canoes, five of them, came aboard while the "Alexander II" was alongside of the "Araunah" and brought aboard only two seals. The "Alexander II" could not go within three miles of the south-east point of Medney Island, owing to the reefs, and she picked up the canoe aforesaid in making her course straight for the "Araunah" out-side of three miles from land.

As a matter of fact I was informed by Captain Gronberg that the "Alexander II" was looking for a lost schooner of the Alaska Commercial Company named the "Leon" when she sighted the "Araunah."

14. I respectfully call attention to certain facts indicated by the correspondence to which I have already referred:—

(a) The captain of the Russian vessel took no means to define the position of the "Araunah" at the time of the seizure.

(b) M. Grebnitzky was not a navigator nor a nautical authority.

(c) No trial of the vessel took place.

(d) No evidence was taken by the Russian authorities to justify the seizure, reliance being placed upon the so-called Act of Confiscation which was obtained under the circumstances above related in paragraph 3.

(e) No sworn evidence of any kind has been produced in support of the Russian contention.

(f) No reports of the Russian authorities have been required or obtained by the Imperial Government, in support of their statements, so far as I am aware.

(g) While my papers, log-book and diary have been retained by the Russian Government, the file of papers communicated by the Governor-General and especially the report of the officer who proved that the *vessel had been captured in the act*, viz.: M. Grebnitzky, the Superintendent of the Commander Islands, referred to in the dispatch of M. de Giers, 4th August, 1889 (page 19, Correspondence Russia No. 1, 1890), has, so far as I am aware, not been exhibited to the British authorities, nor examined by anyone on behalf of the said schooner.

(h) Particular attention is called to the following sentence from the dispatch of M. de Giers of the 4th August, 1889:—

"First, as regards the pith of the whole matter, viz.: the confiscation of the British ship, this proceeding is entirely justified by the fact that the 'Araunah' was engaged in sealing within the limits of our territorial waters." It is submitted in this connection that "the limits," in the opinion of M. de Giers, may include 6 or 8 miles from land.

And I make this solemn declaration conscientiously believing it to be true, and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

Declared before me at Victoria,
aforesaid, this 12th day of December.
A.D. 1893.

Notary Public.